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3 **UNITED STATES DISTRICT COURT**  
4 **DISTRICT OF NEVADA**  
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6 SAMUEL WACHSBERGER,  
7 Plaintiff,  
8 v.  
9 BALLY'S HOTEL,  
10 Defendant.

Case No. 2:09-CV-02436-KJD-LRL

11  
12 **ORDER**

13 Plaintiff filed his Complaint and Application to Proceed *In Forma Pauperis* ("IFP") (#1) on  
14 December 29, 2009. On March 12, 2010, the magistrate judge granted Plaintiff permission to  
15 proceed *IFP*, but ordered Plaintiff to file an amended complaint no later than April 9, 2010 because  
16 Plaintiff had failed to state a claim. Plaintiff filed an Amended Complaint (#3) on April 6, 2010.  
17 However, Plaintiff failed to correct the deficiencies noted by the magistrate judge. Plaintiff has  
18 neither stated a claim under 42 U.S.C. § 1983 because no state actor has been identified, nor has  
19 Plaintiff stated a claim under Title VII of the Civil Rights Act of 1964, because he has failed to allege  
any discriminatory purpose or motive in his alleged termination.

20 Accordingly, **IT IS HEREBY ORDERED** that Plaintiff's Amended Complaint (#3) is  
21 **DISMISSED with prejudice.**

22 DATED this 9<sup>th</sup> day of August 2010.  
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26 Kent J. Dawson  
United States District Judge